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7      *Attorneys for Defendants*  
8      BAIDU, INC., YANHONG LI,  
and CHENG-CHUN YU

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

3 ROGER A. IKEDA, Individually and On ) CASE NO.: 5:20-cv-02768-LHK  
Behalf of All Others Similarly Situated, )  
4 Plaintiff, ) Judge: Hon. Lucy H. Koh  
5 v. ) Complaint Filed: April 21, 2020  
6 BAIDU, INC., YANHONG LI, and )  
CHENG-CHUN YU, )  
7 Defendants. )  
8 **JOINT STIPULATION AND**  
**[PROPOSED] ORDER:**  
**(1) EXTENDING DEADLINE FOR**  
**INDIVIDUAL DEFENDANTS TO**  
**RESPOND TO THE COMPLAINT;**  
**AND (2) CONTINUING THE CASE**  
**MANAGEMENT CONFERENCE**

1 Lead Plaintiff Robert J. Allustiarti ("Lead Plaintiff") and Defendants Baidu, Inc. ("Baidu"),  
2 Yanhong Li, and Cheng-Chun Yu ("Individual Defendants," and together with Baidu "Defendants")  
3 hereby stipulate and agree as follows:

4 WHEREAS, on April 21, 2020, Roger A. Ikeda filed the complaint in the above-captioned  
5 action ("Action"), a putative class action arising under the Securities Exchange Act of 1934  
6 ("Exchange Act"), including the Private Securities Litigation Reform Act of 1995 (the "PSLRA"),  
7 15 U.S.C. § 78u-4, against Defendants;

8 WHEREAS, on July 17, 2020, the Court continued the Case Management Conference  
9 previously scheduled for July 22, 2020 to October 14, 2020 at 2:00 p.m., and ordered the parties to  
10 file a joint case management statement by October 7, 2020;

11 WHEREAS, on July 20, 2020, the Court appointed Robert J. Allustiarti as Lead Plaintiff, and  
12 Kahn Swick & Foti LLC as Lead Plaintiff's Counsel;

13 WHEREAS, on September 18, 2020, Lead Plaintiff filed an Amended Class Action  
14 Complaint;

15 WHEREAS, on September 28, 2020, pursuant to a stipulation of the parties, the Court  
16 continued the Case Management Conference previously scheduled for October 14, 2020 to March 3,  
17 2021 at 2:00 p.m., and ordered the parties to file a joint case management statement on or before  
18 February 24, 2021;

19 WHEREAS, on November 2, 2020, Baidu filed a motion to dismiss the Amended Class  
20 Action Complaint, which Lead Plaintiff has opposed (see ECF 50–54);

21 WHEREAS, the parties' stipulation seeking a continuance of the October 14, 2020 Case  
22 Management Conference provided that, if at the time the parties are due to meet and confer pursuant  
23 to Federal Rule of Civil Procedure 26(f), the Court has not resolved Baidu's motion to dismiss, the  
24 parties would promptly submit a stipulation requesting a further continuance of the Case  
25 Management Conference;

26 WHEREAS, the motion to dismiss is scheduled to be heard on March 4, 2021 at 1:30 p.m.,  
27 one day after the March 3, 2021 Case Management Conference, and therefore will not be resolved  
28

1 by the time the parties are due to meet and confer pursuant to Federal Rule of Civil Procedure 26(f);

2 WHEREAS, pursuant to the PSLRA, "all discovery and other proceedings shall be stayed  
3 during the pendency of any motion to dismiss," 15 U.S.C. § 78u-4(b)(3)(B);

4 WHEREAS, because discovery is stayed while this Action is at the pleading stage, it would  
5 be premature for the parties to confer on the topics required by Federal Rule of Civil Procedure 26(f)  
6 before the Court has decided the pending motion to dismiss;

7 WHEREAS, the parties agree that it would conserve party and judicial resources to continue  
8 the Case Management Conference to a date after the Court's ruling on Baidu's motion to dismiss the  
9 Amended Class Action Complaint, and any other motion to dismiss that may be subsequently filed;

10 WHEREAS, the parties agree that the requested time modification in this stipulation should  
11 have no adverse effect on the schedule for the case. Discovery in this Action is stayed under the  
12 PSLRA pending resolution of any motion to dismiss. Thus, continuing the Case Management  
13 Conference will have no adverse effect on the schedule;

14 WHEREAS, at the time Baidu filed its motion to dismiss, the Individual Defendants had not  
15 been served with the summons or the Amended Class Action Complaint, and the Individual  
16 Defendants have not appeared in this Action;

17 WHEREAS, for purposes of this action only, and without prejudice to their rights under the  
18 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or  
19 Commercial Matters for any other action, the Individual Defendants have, pursuant to Federal Rule  
20 of Civil Procedure 4(d), agreed to waive service of the summons and the Amended Class Action  
21 Complaint;

22 WHEREAS, the parties have conferred and agree that it would be an inefficient use of this  
23 Court's time and the parties' resources for the Individual Defendants to respond to the Amended Class  
24 Action Complaint while Baidu's motion to dismiss remains pending, as the arguments in Baidu's  
25 motion to dismiss also apply to the claims against the Individual Defendants;

26 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, pursuant to Civil  
27 Local Rules 6-1(b), 6-2 and 7-12, by and between the undersigned counsel for the undersigned  
28

**1** parties, subject to Court approval, as follows:

2       1. The Case Management Conference currently scheduled for March 3, 2020 at 2:00  
3 p.m. shall be continued and rescheduled for May 19, 2021 at 2:00 p.m. The parties shall file their  
4 joint case management statement on or before May 12, 2021.

5       2. If, at the time the parties are due to meet and confer pursuant to Federal Rule of Civil  
6 Procedure 26(f), the Court has not resolved Baidu's motion to dismiss, or has directed Lead Plaintiff  
7 to file a second amended complaint, the parties shall promptly submit a stipulation requesting a  
8 further continuance of the Case Management Conference.

9       3. The Individual Defendants shall have no obligation to answer, move, or otherwise  
10 respond to the Amended Class Action Complaint before Baidu's pending motion to dismiss is  
11 resolved by the Court.

12       4. Nothing herein shall be deemed to constitute a waiver of any rights, defenses,  
13 objections or any other application to any court that any party may have with respect to the claims  
14 set forth in the complaint filed in this Action.

**15** DATED: January 8, 2021

KAHN SWICK & FOTI LLC

18 By: /s/ Alayne Gobeille  
19 ALAYNE GOBEILLE  
Attorneys for Lead Plaintiff  
ROBERT J. ALLUSTIARTI  
20  
21 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: \_\_\_\_\_ /s/ *Virginia F. Milstead*  
VIRGINIA F. MILSTEAD  
*Attorneys for Defendants*  
BAIDU, INC., YANHONG LI,  
and CHENG-CHUN YU

## SIGNATURE ATTESTATION

I, Virginia F. Milstead, am the ECF User whose ID and password are being used to file this JOINT STIPULATION AND [PROPOSED] ORDER: (1) EXTENDING DEADLINE FOR INDIVIDUAL DEFENDANTS TO RESPOND TO THE COMPLAINT; AND (2) CONTINUING THE CASE MANAGEMENT CONFERENCE. In compliance with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained from the signatory.

By: /s/ Virginia F. Milstead  
Virginia F. Milstead

1                   **[PROPOSED] ORDER**

2 PURSUANT TO STIPULATION, IT IS SO ORDERED.

3  
4 Dated: \_\_\_\_\_

5                   THE HONORABLE LUCY H. KOH  
6                   UNITED STATES DISTRICT COURT

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